

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SAMUEL JOE ARTHUR LACY, JR. ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:20-cv-00453-JDK-KNM
	§	
OFFICE OF THE	§	
ATTORNEY GENERAL	§	
CHILD SUPPORT	§	
DIVISION OF TEXAS, et al.,	§	
Defendants.		

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On September 29, 2020, Judge Mitchell issued a Report and Recommendation (Docket No. 6) recommending that the complaint be dismissed without prejudice for failure to prosecute. Plaintiff, proceeding pro se, filed written objections (Docket No. 8) on October 28, 2020.

On August 18, 2020, the Court ordered Plaintiff to file an amended complaint addressing deficiencies in the original complaint. Specifically, the original complaint appeared to assert a time-barred claim under 42 U.S.C. § 1983, assert a claim for which the Court does not have federal jurisdiction, and assert claims in an improper venue. Plaintiff received the Order on August 21, 2020. When Plaintiff failed to file an amended complaint, Judge Mitchell issued a Report and Recommendation on September 29, 2020, recommending dismissal for failure to prosecute. Plaintiff filed written objections on October 28, 2020, stating that he

filed an amended complaint. The Court did not receive an amended complaint from Plaintiff. In response to Plaintiff's assertion that he filed a response to the replead order and an amended complaint, the Court entered an Order on November 9, 2020 (Docket No. 9) notifying Plaintiff that the Court did not receive these filings. Plaintiff was ordered to file his amended complaint within 20 days to comply with the August 18, 2020 Order. Plaintiff received the Order on November 11, 2020 (Docket No. 10), but he has not filed a response or an amended complaint.

The Court reviews objected-to portions of the Report and Recommendation de novo. FED. R. CIV. P. 72; 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed finding and recommendation to which objection is made."). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Having made a de novo review of the written objections filed by Plaintiff in response to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Plaintiff did not file an amended complaint or otherwise respond to either Order directing him to file an amended complaint.

Accordingly, it is hereby **ORDERED** that Plaintiff's objections are **OVERRULED** and the Magistrate Judge's Report (Docket No. 6) is **ADOPTED**. This civil action is **DISMISSED WITHOUT PREJUDICE**. All pending motions are **DENIED** as **MOOT**.

**So ordered and signed on this**

Jan 8, 2021



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE